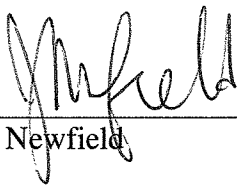




6. In support of Plaintiff's request to take the deposition of Bruce Luddy, it is readily apparent that Hartford has offered his declaration to provide "evidence" on critical issues before the Court on the parties cross-motions for summary judgment. Hartford failed to disclose Bruce Luddy as a witness in its initial disclosures, and thus, has submitted this material improperly. Thus, the Declaration should be struck. If it is not struck, his deposition should be permitted, to address and probe the veracity of the statements contained within the Declaration. Documents submitted herein by Martucci raise concerns about the veracity of the Declaration, and a deposition would permit Martucci to more fully probe these issues, and inform the Court on the weight, if any, to be afforded to this Declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 18, 2011

  
\_\_\_\_\_  
Jason Newfield